

**EXHIBIT "A"**

1

MIRIAM BAUZA

11:35:08 2

though there is only 2 percent.

11:35:12 3

Q. It's only 2 percent what?

11:35:14 4

A. 2 percent of -- it's only 2 percent

11:35:23 5

for the cancer not to come back to me. It's

11:35:25 6

sort of like a block.

11:35:30 7

Q. So it's a form of treatment that

11:35:32 8

may help prevent it from coming back?

11:35:34 9

A. Prevent it, exactly. That's the

11:35:36 10

word. Prevention.

11:35:38 11

Q. When were you first diagnosed with

11:35:40 12

breast cancer?

11:35:42 13

A. Very, very first time?

11:35:44 14

Q. Yes.

11:35:45 15

A. It was 1995.

11:35:53 16

Q. Did you undergo a course of

11:35:54 17

treatment after that?

11:35:55 18

A. I didn't need a treatment after

11:35:58 19

that.

11:35:59 20

Q. What treatment did you have?

11:36:01 21

A. I didn't -- I had a mastectomy.

11:36:05 22

Q. And was it just one side or a

11:36:08 23

double?

11:36:09 24

A. It was the left side.

11:36:11 25

Q. After the mastectomy, did there

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12:11:53 2 next to it says Aetna Disability Services.

12:11:56 3 Who is Angela Floyd?

12:11:59 4 A. She's the supervisor of the  
12:12:01 5 disability payments for Aetna.

12:12:08 6 Q. When did you first speak with  
12:12:11 7 Angela Floyd at Aetna?

12:12:14 8 A. I spoke to her November 21st.

12:12:27 9 Q. And this was after the issue of  
12:12:32 10 overpayments had been brought to your attention  
12:12:35 11 by people at Mediacom, correct?

12:12:37 12 A. Yes, that's correct.

12:12:39 13 Q. And what was the reason that you  
12:12:40 14 reached out to Angela Floyd?

12:12:42 15 A. Because I want to ask her about the  
12:12:45 16 overpayment. How the overpayment -- also I  
12:12:51 17 asked her how the overpayment was done.

12:12:56 18 Q. And how did you know to reach out  
12:12:58 19 to Angela Floyd? Where did you get her name  
12:13:00 20 from?

12:13:01 21 A. I actually looking to the number  
12:13:06 22 of -- some paperwork that I have from the check,  
12:13:08 23 from the stub of the check that I had. And I  
12:13:13 24 was able to get the number. And I didn't reach  
12:13:18 25 out to her directly. I reached out to somebody

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12:13:20 2 and they transferred me to her.

12:13:22 3 Q. So you got a phone number and you  
12:13:25 4 reached out through that phone number.

12:13:26 5 A. Exactly.

12:13:27 6 Q. And then you were transferred to  
12:13:29 7 Angela.

12:13:29 8 A. And they told me she was the  
12:13:33 9 supervisor of the disability payments.

12:13:35 10 Q. How many times did you speak with  
12:13:36 11 Angela?

12:13:36 12 A. I spoke a few times with her.

12:13:38 13 Q. And was it over the course of just  
12:13:40 14 a couple of days that you spoke with her?

12:13:42 15 A. I don't know if it was the same  
12:13:44 16 day, the 21st or the 28th that I spoke a few  
12:13:47 17 times with her.

12:13:50 18 Q. The first time -- are you done?  
12:13:52 19 Sorry.

12:13:53 20 A. Yes, I'm done.

12:13:54 21 Q. The first time that you spoke with  
12:13:55 22 her, what did you discuss?

12:13:56 23 A. I wanted to know about the  
12:13:58 24 overpayment -- I explained to her that I was  
12:14:01 25 notified that it was a mistake in my checks and

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12:14:08 2 obviously was overpayment. And I wanted to know  
12:14:12 3 if I had something to do with me completing the  
12:14:19 4 forms, I had something to do with that error.

12:14:23 5 Q. So you wanted --

12:14:24 6 A. By completing certain forms, yes.

12:14:27 7 Q. So you wanted to see if it was your  
12:14:29 8 mistake in terms of the forms that you  
12:14:31 9 submitted.

12:14:31 10 A. Exactly. And she told me that it  
12:14:34 11 was their error.

12:14:34 12 Q. Now, did she have to go back and  
12:14:36 13 look at things and get back to you on it, or did  
12:14:40 14 she say during that first conversation that it  
12:14:43 15 was their error?

12:14:44 16 A. She told me right there that it was  
12:14:47 17 their error. Apparently it was something she  
12:14:50 18 knows, she recognized my name, and I guess she  
12:14:54 19 knew.

12:14:54 20 Q. Other than you and her discussing  
12:15:01 21 the error that was not your fault, is there  
12:15:06 22 anything else that you discussed with Angela?

12:15:07 23 A. Yes, I explained to her that my  
12:15:10 24 loyalty, it was in place just because their  
12:15:13 25 error.

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12:15:20 2 Q. When you say your loyalty, what do  
12:15:22 3 you mean?

12:15:22 4 A. Well, my loyalty, my honesty.

12:15:35 5 Q. Prior to November 21st, had you  
12:15:38 6 spoken with anyone at Aetna regarding an  
12:15:41 7 overpayment?

12:15:42 8 A. Yes. I knew that -- I will say  
12:15:49 9 that it's early July that I called. When I got  
12:15:53 10 my second check I knew something was wrong. The  
12:16:01 11 amount of money, it was not reflecting the five  
12:16:08 12 days of pay. It was reflecting much more.

12:16:13 13 So I called to ask if there was any  
12:16:19 14 mistakes, and they told me -- whoever answered  
12:16:26 15 the phone, it was a lady, and they assured me  
12:16:29 16 that it was not an error, that it was correct.  
12:16:32 17 Again, I mentioned to the person to make sure  
12:16:35 18 that that was correct. She told me to hold on,  
12:16:38 19 she went back, she came back and she confirmed  
12:16:41 20 to me for the second time, Ms. Bauza -- she  
12:16:46 21 didn't even say Mrs. Bauza. Ma'am, your check  
12:16:50 22 is correct.

12:16:51 23 Q. Now, the first check that you got,  
12:16:54 24 that was larger because that was retroactive and  
12:16:58 25 made up for a number of weeks prior to that,

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correct?

A. Exactly.

Q. Do you know the name of that lady that you spoke with?

A. You know, I believe that she told me her name, because I usually ask for names. And I didn't write it down. I thought I would never forget it. And I completely forgot. But I know that it was a lady that I spoke to.

Q. And how many times in early July -- how many times while you were out on leave from work at Mediacom did you speak with somebody from Aetna? Was it just on that one occasion or was it more?

A. I spoke again to someone from Aetna when I was ready to come back to start my check. Because I wanted to come back on the 7th of August. So I told them that they needed to stop the checks a certain time.

Q. And do you know who you spoke with that time?

A. I don't think I remember who I spoke to.

Q. And did they say you needed to do

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12:19:30 2 conversation with Angela Floyd in some period of  
12:19:33 3 time starting November 21st. Do you recall the  
12:19:35 4 next time that you spoke with her?

12:19:37 5 A. I think it was the 28th.

12:19:39 6 Q. So it was approximately a week  
12:19:41 7 after the first conversation?

12:19:43 8 A. The 28th or -- I think it was  
12:19:46 9 the 28th. I don't quite remember, but I know  
12:19:50 10 that I spoke to her because I wanted to send the  
12:19:54 11 payment, the payment for -- they gave me an  
12:19:57 12 option to pay, and I said no, I wanted to pay in  
12:20:00 13 full. They transferred me -- he transferred me  
12:20:03 14 to Julius, and I got a little upset because when  
12:20:07 15 I spoke to Julius, he told me that my balance  
12:20:13 16 was zero. And I was furious when he said that  
12:20:18 17 to me.

12:20:19 18 So I asked him -- I told him that  
12:20:22 19 Angela had transferred me to him because he's  
12:20:28 20 supposed to give me the detail where to send the  
12:20:31 21 check. He told me your balance is zero. I told  
12:20:35 22 him can you transfer me back to Angela, and when  
12:20:38 23 I spoke to Angela, Angela transferred me back to  
12:20:42 24 somebody else and she have to announce who I was  
12:20:45 25 and why I was calling. So this time I got



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12:20:48 2 Terry, and Terry's the one who gave me the  
12:20:53 3 information.

12:20:55 4 Q. About how much the overpayment was?

12:20:58 5 A. Yes, and then where do I have to  
12:20:59 6 send it and everything.

12:21:01 7 Q. Did you ever speak with Angela  
12:21:03 8 again after that day in terms of you being  
12:21:05 9 switched back and forth between her and some  
12:21:07 10 other people?

12:21:08 11 A. I think I did. I asked for copies  
12:21:12 12 of all the conversations that I had made because  
12:21:15 13 I wanted to make sure that it shows what Julia  
12:21:19 14 answered me, being that she told me that all the  
12:21:22 15 phone calls are recorded. And in that paperwork  
12:21:35 16 that she sent me, Julius's conversation was not  
12:21:42 17 there.

12:21:42 18 Q. The Julius conversation where he  
12:21:45 19 said you owe nothing, on or about November 28th?

12:21:48 20 A. Exactly.

12:21:49 21 Q. Were there any other conversations  
12:21:50 22 that you recall having at Aetna that were not  
12:21:52 23 there?

12:21:53 24 A. Yeah, well, also the one that I  
12:21:55 25 called for the -- to actually finish my

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12:22:03 2

payments. To stop my payments. I didn't see

12:22:08 3

that phone call either.

12:22:09 4

Q. To stop your payments.

12:22:10 5

A. To stop my payments.

12:22:11 6

Q. And that was about early August,

12:22:13 7

correct?

12:22:13 8

A. Yes, exactly.

12:22:15 9

Q. What about the conversation that

12:22:16 10

you had in July, was there a recording of that

12:22:18 11

conversation?

12:22:19 12

A. This is something that I also asked

12:22:24 13

her before. Why that phone call when I called

12:22:29 14

that I felt there was something wrong in my

12:22:31 15

check, why that phone call, they didn't record

12:22:34 16

it.

12:22:35 17

When I spoke to a few people that I

12:22:37 18

spoke with from Aetna, they kept telling me that

12:22:40 19

all the phone calls are recorded. But here I

12:22:43 20

am, two phone calls were not recorded that to me

12:22:46 21

were very important; the one that I called

12:22:50 22

telling about the payments that I felt that it

12:22:53 23

was wrong, and also the one that I spoke to

12:22:56 24

Julius. And he told me that my balance was

12:22:59 25

zero.

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12:23:00 2 Q. And what, if any, response did they  
12:23:02 3 provide?

12:23:03 4 A. Oh, that he didn't -- they told me  
12:23:08 5 Julius, he forgot to record it.

12:23:11 6 Q. And what, if anything, did they say  
12:23:13 7 about the earlier July conversation?

12:23:15 8 A. They told me that it's not on  
12:23:17 9 record. That's what they said.

12:23:20 10 Q. Any other conversations that you  
12:23:23 11 had with Angela?

12:23:24 12 A. We were just going back and forth  
12:23:30 13 about the checks I guess. Going back and forth,  
12:23:35 14 when I supposed to send the payment or when I  
12:23:38 15 was going to send it.

12:23:40 16 Q. So there were subsequent  
12:23:41 17 conversations about you providing the  
12:23:43 18 reimbursement for the overpayment?

12:23:45 19 A. Exactly, yes.

12:23:46 20 Q. Are there any other conversations  
12:23:47 21 that you had with Aetna, anybody else at Aetna,  
12:23:51 22 other than what you described?

12:23:53 23 A. I did spoke to, I don't know if it  
12:23:58 24 was Terry and a manager of taxes. But my taxes  
12:24:02 25 were wrong from them, too. My taxes were wrong

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13:52:51 2 A. It was done by Jen.

13:52:55 3 Q. Any other duties that Gladys took  
13:52:57 4 over after she started, other than what you've  
13:53:01 5 discussed, up until June of 2006 that you're  
13:53:04 6 aware of?

13:53:11 7 A. Any other responsibilities. I  
13:53:19 8 don't remember.

13:53:22 9 Q. Who was Gladys reporting to?

13:53:24 10 A. To me.

13:53:35 11 Q. When you started, what was your  
13:53:37 12 salary?

13:53:38 13 A. 42,5. Or 42 I think it was. 42.

13:53:46 14 Q. Did it change in any way?

13:53:47 15 A. Yes.

13:53:48 16 Q. To what?

13:53:49 17 A. To 42,5.

13:53:51 18 Q. And when did it change, if you  
13:53:53 19 know?

13:53:55 20 A. It changes right before I was going  
13:54:05 21 to disability.

13:54:18 22 Q. You said that you were rediagnosed  
13:54:28 23 with breast cancer in early 2006 while you were  
13:54:31 24 at Mediacom, correct?

13:54:33 25 A. Yes.

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1  
13:54:34 2 Q. Up until June of 2006, what  
13:54:37 3 treatment, if any, did you have for the breast  
13:54:41 4 cancer?

13:54:42 5 A. That's when I had the two  
13:54:46 6 lumpectomies and the mastectomy.

13:54:50 7 Q. When were the two lumpectomies?

13:54:54 8 A. One was in April 10, and the other  
13:54:59 9 one was May 8th. And the mastectomy was done  
13:55:07 10 July 7.

13:55:09 11 Q. And the mastectomy occurred while  
13:55:12 12 you were out on leave for the extended period,  
13:55:14 13 correct?

13:55:14 14 A. Yes. That's why I needed the --  
13:55:16 15 right.

13:55:17 16 Q. For the first lumpectomy on or  
13:55:21 17 about April 10th, did you take a period of time  
13:55:23 18 off from work?

13:55:24 19 A. It was three days. I think it was  
13:55:32 20 three days, yes.

13:55:32 21 Q. And had you missed certain days  
13:55:35 22 prior to that because of doctors' appointments?

13:55:38 23 A. Yes.

13:55:40 24 Q. Approximately how many days did you  
13:55:42 25 miss?

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13:55:42 2

A. The first one I think was

13:55:45 3

January 19th, that's when I had the mammogram.

13:55:51 4

And on February 20th I think it was, the biopsy.

13:56:01 5

I think it was the 20th.

13:56:08 6

Q. For the January 19th and the

13:56:11 7

February 20th you didn't lose any pay because of

13:56:14 8

taking off those times, did you?

13:56:17 9

A. No.

13:56:17 10

Q. What about with respect to the

13:56:19 11

three days for the lumpectomy in April, did you

13:56:23 12

lose any time for that? Did you lose any pay?

13:56:27 13

A. No, because I got disability

13:56:30 14

payments.

13:56:30 15

Q. You got disability payments in

13:56:32 16

April?

13:56:32 17

A. No, not in April. You're telling

13:56:35 18

me the mastectomy, no?

13:56:37 19

Q. No, let's withdraw the last

13:56:40 20

question.

13:56:41 21

For the three days that you were

13:56:43 22

out in April for the first lumpectomy, did you

13:56:50 23

receive pay for those days that you were off?

13:56:52 24

A. Yes.

13:56:52 25

Q. Did you have accrued sick time?

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13:56:55 2

A. I didn't accrue sick time, but when

13:56:57 3

I start working in Mediacom, I was working 12

13:57:02 4

hours a day. I started at 8:00 and I didn't

13:57:06 5

leave until 8:00 when the cleaning people was

13:57:09 6

leaving.

13:57:09 7

Q. So for the April time frame you

13:57:12 8

didn't lose any pay for those three days?

13:57:15 9

A. No.

13:57:15 10

Q. How long were you out in May for

13:57:17 11

the second lumpectomy?

13:57:19 12

A. I think it was either two, three

13:57:21 13

days. No more than that.

13:57:23 14

Q. Again, did you have any sick days

13:57:25 15

that were available to you?

13:57:26 16

A. No.

13:57:27 17

Q. Did you lose any pay as a result of

13:57:29 18

the time you took off in May?

13:57:31 19

A. I think I had some sick days

13:57:33 20

available at some point that I was able to get

13:57:37 21

pay, yes.

13:57:38 22

Q. So up until you came back from the

13:57:40 23

second lumpectomy, you had not lost any pay, is

13:57:43 24

that correct?

13:57:44 25

A. No.

MIRIAM BAUZA

13:57:44 2 Q. That is correct?

13:57:45 3 A. The lumpectomy?

13:57:49 4 Q. After the two lumpectomies, you had  
13:57:54 5 not lost any pay, correct?

13:57:55 6 A. Correct.

13:57:55 7 Q. Did you miss any time between May  
13:57:57 8 when you returned from the second lumpectomy in  
13:58:01 9 May of 2006 up until the time you went out on  
13:58:04 10 disability?

13:58:04 11 A. No.

13:58:15 12 Q. When you first rediagnosed, did you  
13:58:21 13 have conversations with people at Mediacom about  
13:58:23 14 your diagnosis?

13:58:27 15 A. The first person I spoke to was Joe  
13:58:31 16 Mickulski.

13:58:32 17 Q. What did you say to him?

13:58:34 18 A. I told him that I was diagnosed  
13:58:40 19 with cancer.

13:58:41 20 Q. And what, if anything, did he say?

13:58:43 21 A. He said he feels sorry for me.

13:58:50 22 Q. Did you have any conversations with  
13:58:51 23 him in that January to June time frame about  
13:58:55 24 your need to take off work?

13:59:00 25 A. No. Not at that point because I



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1  
13:59:02 2 didn't know yet.

13:59:04 3 Q. But would you discuss with him when  
13:59:06 4 you needed the three days off for the  
13:59:09 5 lumpectomies? Would you speak with him about  
13:59:12 6 it, that I need this time off?

13:59:13 7 A. Yes.

13:59:14 8 Q. What, if anything, did he say?

13:59:15 9 A. He said it was okay.

13:59:17 10 Q. Other than speaking with him, did  
13:59:19 11 you speak with any of the other supervisors that  
13:59:23 12 you knew to be supervisors or anyone in HR?

13:59:28 13 A. Yes, I think I spoke to Judy Mills  
13:59:30 14 about it.

13:59:31 15 Q. Other than telling her that you had  
13:59:34 16 breast cancer, did you discuss with her about  
13:59:36 17 your need to take off any of these times up  
13:59:40 18 until the leave of absence in June?

13:59:43 19 A. No, I don't think I discussed that  
13:59:45 20 with her. I think I discussed that with Joe.

13:59:49 21 Q. What conversations did you have  
13:59:50 22 with Judy Mills up until June of 2006 about your  
13:59:59 23 diagnosis?

13:59:59 24 A. I don't quite remember in detail  
14:00:02 25 what I really spoke to her about.

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1  
14:00:04 2 Q. Do you recall generally what you  
14:00:05 3 spoke to her about other than telling her that  
14:00:07 4 you had been rediagnosed with breast cancer?

14:00:11 5 A. I never said that it was  
14:00:13 6 rediagnosed.

14:00:15 7 Q. Other than talking to her that you  
14:00:17 8 had breast cancer, did you discuss with her  
14:00:20 9 anything else other than the fact that you had  
14:00:23 10 been diagnosed?

14:00:27 11 A. I don't quite remember.

14:00:34 12 Q. During that time frame from January  
14:00:36 13 to June, did you ever speak with Paul Gillert  
14:00:40 14 regarding your diagnosis?

14:00:43 15 A. Yes, I think I did spoke to him  
14:00:48 16 about it, yes.

14:00:49 17 Q. Do you know how many occasions you  
14:00:51 18 spoke to him?

14:00:51 19 A. About two times.

14:00:52 20 Q. Do you recall what you said to him  
14:00:53 21 and what he said to you on those occasions?

14:00:56 22 A. He told me that he also had cancer  
14:01:00 23 before and that he went to -- I don't know if he  
14:01:05 24 went through chemo, but I think that he  
14:01:07 25 mentioned to me that he had cancer at one point

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1  
14:01:10 2 in time.

14:01:10 3 Q. Anything else you can recall  
14:01:13 4 discussing with Paul during those couple of  
14:01:15 5 occasions?

14:01:16 6 A. No.

14:01:16 7 Q. Did you have any discussions with  
14:01:18 8 Mark Stephan about your diagnosis?

14:01:20 9 A. No.

14:01:21 10 Q. Did you ever have any discussions  
14:01:22 11 with Italia Commisso?

14:01:24 12 A. Yes, I did spoke to her about it  
14:01:27 13 and she was concerned about it.

14:01:31 14 Q. Other than expressing concern, do  
14:01:34 15 you recall anything else that you said to her or  
14:01:35 16 she said to you during those conversations?

14:01:37 17 A. No.

14:01:40 18 Q. When she said she was concerned,  
14:01:42 19 what did she say with respect to that?

14:01:44 20 A. Well, that I was going to be all  
14:01:47 21 right. Not to worry.

14:01:51 22 Q. What is Paul Gillert's position?

14:01:55 23 A. He is the director -- the VP of  
14:01:59 24 human resources.

14:02:02 25 Q. Who is Mark Stephan?

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14:02:05 2 A. He's the CFO.

14:02:07 3 Q. Did Joe report to Mark Stephan, as  
14:02:12 4 you understood it, while you were employed  
14:02:14 5 there?

14:02:15 6 A. That is correct.

14:02:15 7 Q. What is Italia's position?

14:02:18 8 A. She is the VP of HR.

14:02:26 9 Q. And what's the reporting structure  
14:02:28 10 in HR as you understood it at that point in  
14:02:30 11 time, around June of 2006?

14:02:32 12 A. Can you repeat that for me?

14:02:34 13 Q. What is the reporting structure?  
14:02:36 14 Who reported to whom in HR? You mentioned  
14:02:39 15 Italia, Paul, Judy and Jen Clark.

14:02:43 16 A. Well, I think Paul will report to  
14:02:45 17 Italia. Judy will report to Paul. And Jen will  
14:02:51 18 report to Judy.

14:03:01 19 Q. Up until June of 2006 when you went  
14:03:05 20 out on leave, did anyone ever talk to you about  
14:03:09 21 your need for taking leave other than Joe?

14:03:12 22 A. I don't quite remember who I spoke  
14:03:27 23 to. Maybe it was Jen. I think when I got the  
14:03:41 24 form to complete for the claim. The form for  
14:03:44 25 the disability.

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2 (Defendant's Exhibit J for  
14:04:25 3 identification, Payroll Document.)

14:04:25 4 Q. I'm going to show you what we  
14:04:27 5 marked as Defendant's Exhibit J. Is this -- if  
14:04:37 6 you'll look at the first page there's some  
14:04:39 7 handwriting on it. Do you recognize that  
14:04:41 8 handwriting?

14:04:41 9 A. Yes, that's my own handwriting.

14:04:44 10 Q. And that's the date down on the  
14:04:47 11 bottom is June 7th, 2006, correct?

14:04:49 12 A. Yes, that's correct.

14:04:51 13 Q. In the box here on the right it  
14:05:06 14 lists -- it says average weekly earned wages.  
14:05:11 15 Do you see that?

14:05:12 16 A. Mm-hmm.

14:05:12 17 Q. Is that your handwriting?

14:05:14 18 A. Yes.

14:05:14 19 Q. And that says \$818.

14:05:17 20 A. Mm-hmm.

14:05:18 21 Q. Yes?

14:05:18 22 A. Yes. I'm sorry.

14:05:20 23 Q. You kind of initialed it next to  
14:05:22 24 it.

14:05:22 25 A. Yes, because I made that change. I

1 MIRIAM BAUZA

14:30:22 2 occasions when someone was out on family and  
14:30:25 3 medical leave but they could still be receiving  
14:30:28 4 a check from the company?

14:30:28 5 A. No, not to my knowledge.

14:30:33 6 Q. After you returned to work, did you  
14:30:37 7 have conversations with Joe Mickulski in  
14:30:43 8 August/September of 2006 about what he was going  
14:30:45 9 to be doing?

14:30:55 10 A. No.

14:30:56 11 Q. Did you ever have a discussion with  
14:30:57 12 Joe Mickulski after your return in August 2006  
14:31:01 13 about doing work directly from him?

14:31:03 14 A. Yes. I know that we had a meeting  
14:31:05 15 with Brian Walsh when I came -- on my return. I  
14:31:12 16 had a meeting with Brian Walsh and also with  
14:31:18 17 Gladys Falto. I reported to him that Regina  
14:31:28 18 Burgos was harassing us. And when that actually  
14:31:34 19 happened, right after I was called by Paul  
14:31:41 20 Gillert to let me know that they decided to  
14:31:47 21 change my duties.

14:31:52 22 But my position was going to be the  
14:31:54 23 same. So actually I was going to be in charge  
14:32:00 24 of doing the 401 loans, 401-K loans. And I was  
14:32:11 25 going to actually terminate them and to enroll

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MIRIAM BAUZA

14:32:22 2

the person for those new loans. And all my

14:32:27 3

payroll access were limited, so my position was

14:32:34 4

changed. I felt it was a demotion there.

14:32:37 5

Q. Why did you feel there was a

14:32:39 6

demotion?

14:32:39 7

A. Because I was limited to payroll

14:32:41 8

functions.

14:32:44 9

Q. Prior to the transfer you were

14:32:46 10

limited to payroll functions.

14:32:51 11

A. No. After.

14:32:54 12

Q. When you came back and prior to

14:32:56 13

your leave, you were doing payroll, correct?

14:32:58 14

A. Yes.

14:32:59 15

Q. And that was the field payroll.

14:33:01 16

A. Right.

14:33:02 17

Q. And then after you returned --

14:33:03 18

A. I was still doing the payroll.

14:33:06 19

Q. The field payroll.

14:33:07 20

A. Yes.

14:33:07 21

Q. And during this meeting is when you

14:33:09 22

were told that you wouldn't be doing field

14:33:11 23

payroll anymore?

14:33:12 24

A. Yes -- no, they didn't mention to

14:33:14 25

me that I wasn't going to be doing field

1 MIRIAM BAUZA

14:33:17 2 payroll. They just told me that I was going to  
14:33:21 3 be working with Joe in the 401-K plan loans, the  
14:33:28 4 new ones, and to terminate those plans.

14:33:35 5 Q. Did they discuss with you anything  
14:33:37 6 about what was going to happen to your payroll  
14:33:41 7 functions with respect to field payroll?

14:33:43 8 A. No.

14:33:44 9 Q. So they never told you that they  
14:33:46 10 were taking that away.

14:33:47 11 A. No.

14:33:48 12 Q. So this was something extra that  
14:33:49 13 you were being given.

14:33:50 14 A. Yes.

14:33:51 15 Q. So why did you feel that that was a  
14:33:53 16 demotion if it was just further duties given to  
14:33:56 17 you?

14:33:56 18 A. Because my functions were  
14:33:57 19 eliminated.

14:33:58 20 Q. When you say your functions, what  
14:34:00 21 functions were eliminated?

14:34:02 22 A. The payroll functions.

14:34:03 23 Q. But you just said you were still  
14:34:05 24 doing field payroll.

14:34:06 25 A. Yes, but what I'm saying is that



1 MIRIAM BAUZA

14:34:10 2 they never mentioned anything to me. But when I  
14:34:13 3 went into my position, I was doing the 401-K  
14:34:18 4 plan, and I'm thinking that at the same time I'm  
14:34:24 5 doing payroll, too. My access were limited.

14:34:29 6 Q. When you say your access was  
14:34:30 7 limited, what do you mean by that?

14:34:32 8 A. In the system, to Ceridian.

14:34:34 9 Q. To do what?

14:34:35 10 A. To do payroll.

14:34:37 11 Q. What access did you have before?

14:34:39 12 A. Oh, I have access to navigate  
14:34:42 13 anywhere in payroll.

14:34:44 14 Q. But prior you were doing -- with  
14:34:47 15 respect to the payroll responsibilities that you  
14:34:50 16 had, did they change or did just your access  
14:34:54 17 change?

14:34:55 18 A. They changed, even my access  
14:34:57 19 changed. They changed and my access changed,  
14:34:59 20 too.

14:35:00 21 Q. How did your duties change in  
14:35:01 22 payroll before and after this meeting with Joe  
14:35:05 23 and Paul in which you were told you were going  
14:35:08 24 to help Joe out with the 401-K?

14:35:10 25 A. Because I was -- the only thing

1 MIRIAM BAUZA

14:35:14 2 that I was doing for the field, it was actually  
14:35:19 3 verifying part of the payroll. And I was making  
14:35:24 4 sure to print some documentations I would need  
14:35:30 5 for the auditors. That's it.

14:35:32 6 Q. So who was doing the field payroll?

14:35:34 7 A. Gladys. And she also was doing the  
14:35:39 8 corporate payroll.

14:35:40 9 Q. To your knowledge, had she been  
14:35:45 10 doing that while you were out, both corporate  
14:35:47 11 and field payroll?

14:35:49 12 A. I think she was doing -- yes, she  
14:35:54 13 was doing -- she thought that she was going to  
14:35:57 14 have help from Regina, but she never get the  
14:36:01 15 help from Regina.

14:36:03 16 Q. To your understanding as to what  
14:36:04 17 you were able to observe, what was Regina doing  
14:36:07 18 when you returned?

14:36:08 19 A. I have no clue. I have no idea  
14:36:09 20 what she was doing.

14:36:11 21 Q. Did you ever have a conversation  
14:36:13 22 prior to that meeting with Paul Gillert with Joe  
14:36:17 23 Mickulski about working with him again?

14:36:19 24 A. No. An after I spoke to Paul  
14:36:24 25 Gillert, I spoke to Joe. And that's when I find

1 MIRIAM BAUZA

14:36:30 2 out, yeah, that I was going to be working close  
14:36:33 3 with him and doing the 401-K loans.

14:36:36 4 Q. Can tell me in your meeting with  
14:36:38 5 Paul Gillert what you said, what Paul said and  
14:36:42 6 what Gladys said?

14:36:44 7 A. You mean with Brian?

14:36:45 8 Q. You said you met with Paul and  
14:36:47 9 Brian.

14:36:48 10 A. No, no, no. I met with Gladys and  
14:36:51 11 Brian Walsh.

14:36:53 12 Q. Those are the first people that you  
14:36:54 13 met with in a meeting in which you discussed  
14:36:57 14 issues that you had with Regina, is that  
14:36:59 15 correct?

14:36:59 16 A. That's correct.

14:37:01 17 Q. So tell me what you said, what  
14:37:03 18 Gladys said and what Brian said.

14:37:07 19 A. I don't remember what Gladys said,  
14:37:10 20 but what I said to him is that she was harassing  
14:37:13 21 me.

14:37:13 22 Q. Did you give any specifics as to  
14:37:15 23 what you meant by that?

14:37:16 24 A. Yes, there were times when I  
14:37:18 25 actually came back, it was Monday on the 7th.

1 MIRIAM BAUZA

14:37:20 2 Tuesday I have to go to chemo. And I told her  
14:37:24 3 that I was going to be out, and she told me that  
14:37:29 4 was fine. So when actually that week passed, I  
14:37:33 5 think that week was a payroll. And when I got  
14:37:37 6 paid, I got paid -- I got paid less that  
14:37:42 7 particular day.

14:37:42 8 So I explained to her that I don't  
14:37:45 9 see why she was taking that pay away from me  
14:37:48 10 because I was actually working more than eight  
14:37:52 11 hours a day. Sometimes I was working 12 hours a  
14:37:56 12 day. And I felt that if I was working that much  
14:37:59 13 time, I should be compensated for that day.

14:38:02 14 She told me the only way that I  
14:38:05 15 could get paid for that particular day was to  
14:38:07 16 come into work even if it was one hour and I  
14:38:11 17 will get paid for that day.

14:38:13 18 Q. And did she -- did you have  
14:38:15 19 discussion as to what she meant by that?

14:38:17 20 A. So then when I got the next  
14:38:21 21 chemo -- I don't want to cut you off --

14:38:26 22 Q. Go ahead.

14:38:27 23 A. When I got the next chemo, I came  
14:38:29 24 at 7:30 and I have to leave at 9:30. So I sent  
14:38:36 25 an e-mail telling her -- telling the whole

1 MIRIAM BAUZA

14:38:41 2 payroll crew that I was going to be leaving at  
14:38:46 3 9:30 and that Gladys happened to be out that  
14:38:50 4 day.

14:38:50 5 So she sent me an e-mail back  
14:38:52 6 telling me that why did I even bother to come.  
14:38:57 7 And before I got that e-mail, when I went into  
14:39:01 8 her office, she told me off right in front of  
14:39:06 9 Sharon D'Elia telling me that why I even bother  
14:39:11 10 to come. So it was not enough for her to tell  
14:39:13 11 me in person. She sent me an e-mail.

14:39:16 12 Q. So she told you in person and then  
14:39:17 13 sent an e-mail?

14:39:18 14 A. Yes.

14:39:19 15 Q. Other than saying why did you  
14:39:20 16 bother coming in, was there anything else that  
14:39:23 17 she said?

14:39:23 18 A. No.

14:39:24 19 Q. That was the only statement that  
14:39:25 20 she made?

14:39:26 21 A. That was the only statement that  
14:39:28 22 she made. But after I asked her -- I told her  
14:39:31 23 that I wanted to speak to her because Sharon  
14:39:34 24 D'Elia was there, and I wanted to speak to her  
14:39:37 25 without her being there. I told her that I

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14:39:39 2 didn't appreciate that she talked to me that way  
14:39:42 3 because it was in a bad way the way she told me.

14:39:45 4 Q. Was this the same day before you  
14:39:48 5 had left that you had this conversation?

14:39:49 6 A. Yes. That I didn't appreciate  
14:39:51 7 that. Because also at the same time she told me  
14:39:53 8 that she feel that I was taking advantage of the  
14:39:56 9 company. And I told her, you don't know me, you  
14:40:01 10 don't know me. When I came here I was working  
14:40:03 11 12 hours a day. I was the only person doing  
14:40:07 12 payroll.

14:40:08 13 Q. When did she make that statement to  
14:40:10 14 you about did you think you were taking  
14:40:12 15 advantage of the company?

14:40:13 16 A. I think it was August 29. I think  
14:40:18 17 I have that e-mail.

14:40:19 18 Q. So this is three weeks after this  
14:40:21 19 conversation about taking off a day and why did  
14:40:24 20 you bother coming in.

14:40:25 21 A. Yes, something to that effect.  
14:40:27 22 Yes, I think I have that e-mail.

14:40:29 23 Q. So when is it that you met with  
14:40:31 24 Brian Walsh?

14:40:32 25 A. After that.

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MIRIAM BAUZA

14:45:45 2 because I feel, you know, that's it, I'm not  
14:45:49 3 going to get paid. This is what she said, I  
14:45:51 4 just want to follow through. So on the next  
14:45:53 5 time when I got my chemo I came two hours  
14:45:57 6 earlier --

14:45:59 7 Q. And that was August 29th?

14:46:01 8 A. I believe. I believe it was  
14:46:03 9 the 29th. I'm not sure.

14:46:04 10 Q. It was when you had that e-mail  
14:46:07 11 exchange with her.

14:46:07 12 A. Exactly.

14:46:08 13 Q. So whatever day that e-mail was,  
14:46:10 14 that was your second chemo treatment.

14:46:13 15 A. Exactly. And I explained to her.  
14:46:15 16 And then I send the e-mail, I said Gladys is not  
14:46:18 17 here today -- I don't think it was a payroll day  
14:46:20 18 because I wanted to make sure that it was not a  
14:46:22 19 payroll day. But anyway, I said Gladys is not  
14:46:26 20 going to be here and I'm going to be leaving  
14:46:28 21 around 9:30, so if you have any issues, just go  
14:46:32 22 and call Regina. Regina Burgos.

14:46:40 23 Then she sent me -- no, then I went  
14:46:45 24 to her, I don't remember why I stopped by her  
14:46:47 25 office. And she said why you even bother to

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MIRIAM BAUZA

14:46:50 2 come? This is how she approached me, but in a  
14:46:54 3 very bad tone. And I needed to leave right  
14:46:58 4 away. I couldn't really talk to her about it  
14:47:00 5 because --

14:47:00 6 Q. Did you say anything in response to  
14:47:02 7 her?

14:47:03 8 A. I didn't say nothing to her at that  
14:47:04 9 moment.

14:47:05 10 Q. Did she say anything else other  
14:47:06 11 than that one statement?

14:47:07 12 A. No. So then when I went back to my  
14:47:10 13 desk, I noticed that she had sent me an e-mail  
14:47:13 14 telling me why you even bother to come. So I  
14:47:18 15 left. And that was bothering me. That was  
14:47:22 16 bothering me because I am not just a regular  
14:47:26 17 employee. I'm a committed employee.

14:47:31 18 And I went through a second  
14:47:36 19 mastectomy; my hair was falling, I had effects  
14:47:44 20 of the chemo. I have to take injections because  
14:47:48 21 my blood level was going down to 2. It was too  
14:47:56 22 much in my mind. And it was such a big effort  
14:48:02 23 for me to just come to work, just to get up and  
14:48:08 24 look in the mirror and come to work. It was a  
14:48:11 25 big effort for me to do.



1 MIRIAM BAUZA

14:48:12 2 Q. And after coming back after  
14:48:15 3 August 29th, is that when you then went to Paul?  
14:48:20 4 I'm sorry, after August 29th, is that when you  
14:48:23 5 went to Mark?

14:48:23 6 A. No. Other incidents happened to me  
14:48:33 7 respect to work where --

14:48:38 8 Q. Do you need to take a break?

14:48:44 9 A. No, it's okay. Other than work.  
14:48:56 10 Where she actually was very sarcastic to me and  
14:49:00 11 for no reason. There was times that there were  
14:49:03 12 problems with banks, something that had to do  
14:49:07 13 with banking function and something didn't go  
14:49:14 14 correct. And it was not my fault. It was  
14:49:17 15 something that she needed to respond while I was  
14:49:19 16 out and she never responded.

14:49:21 17 When I happened to come back, I  
14:49:23 18 responded to that e-mail from the bank and I  
14:49:26 19 actually brought that to the attention of the  
14:49:34 20 manager of cash, cash management, I don't  
14:49:36 21 remember her name. And she told me don't worry,  
14:49:40 22 I'm going to help you, let me see how we're  
14:49:43 23 going to fix this.

14:49:45 24 So I was trying to fix that  
14:49:48 25 problem. I spent almost all morning with that

1 MIRIAM BAUZA

14:49:50 2 manager from cash management, and a few minutes  
14:49:57 3 later Regina come to me and she said I just want  
14:50:04 4 to tell you, who screwed up here? This is how  
14:50:07 5 she spoke to me. And I said Regina, I  
14:50:11 6 appreciate if you have something to say to me,  
14:50:13 7 call me into your office. And she just kept  
14:50:19 8 talking, she didn't care. She didn't care.

14:50:22 9 Q. I want to go back to the  
14:50:23 10 conversation you mentioned that you had with --  
14:50:26 11 you said after that you had a conversation with  
14:50:29 12 Brian Walsh.

14:50:30 13 A. Yes.

14:50:31 14 Q. When was that conversation -- let's  
14:50:34 15 just mark this first.

16 (Defendant's Exhibit L for  
14:50:56 17 identification, August 29th E-mail.)

14:50:56 18 Q. I'm going to show you what we  
14:50:58 19 marked as Defendant's Exhibit L. Is that the  
14:51:01 20 e-mail exchange that you were referring to  
14:51:03 21 between you and Regina?

14:51:05 22 A. Yes.

14:51:05 23 Q. And that's dated August 29th,  
14:51:07 24 correct?

14:51:07 25 A. Yes. August 30 it says here.

MIRIAM BAUZA

14:51:10 2 Q. Well, look here, look at the  
14:51:13 3 date --

14:51:13 4 A. Oh, yes, 29th, yes, right.

14:51:18 5 Q. The conversation that you had with  
14:51:20 6 Brian Walsh and Gladys brought to his attention  
14:51:27 7 about the way that Regina was talking to you,  
14:51:30 8 was that after this date, August 29th?

14:51:32 9 A. Yes, I think it was after.

14:51:34 10 Q. What is it that you brought to his  
14:51:36 11 attention during that meeting that you had  
14:51:41 12 concerns with?

14:51:41 13 A. Well, the way she was treating me.

14:51:44 14 Q. Did you describe to Brian at that  
14:51:47 15 meeting as to what you meant by that?

14:51:49 16 A. Yes, I did. I explained to him.  
14:51:52 17 Also I explained to him that I ask her for a  
14:51:58 18 monitor, a bigger monitor because we needed a  
14:52:01 19 bigger monitor being that we were doing payroll.  
14:52:05 20 And she was telling me that the reason why I  
14:52:08 21 needed a bigger monitor -- I didn't need a  
14:52:11 22 bigger monitor, I need another glasses because I  
14:52:16 23 was getting old. This was her expression to me.

14:52:21 24 Q. And you told that to Brian?

14:52:22 25 A. I told that to Brian.

MIRIAM BAUZA

14:52:24 2 Q. Up until the time you spoke with  
14:52:28 3 Brian, you had the issue in terms of her talking  
14:52:33 4 to you about coming in at a 9:15, correct?

14:52:36 5 A. Yes.

14:52:36 6 Q. You also had the issue about taking  
14:52:38 7 off on August 8th, correct?

14:52:42 8 A. Yes. When I explained to her that  
14:52:46 9 I didn't get paid for that date, because he was  
14:52:49 10 one of the people that know how much work I did  
14:52:51 11 at the beginning when I start with Mediacom and  
14:52:54 12 the hours that I put there, he told me don't  
14:52:58 13 worry, I'm going to make sure that you get paid  
14:53:01 14 for that day.

14:53:02 15 Q. And did you get paid for that day?

14:53:03 16 A. Yes. I think it was after three or  
14:53:06 17 four payrolls after.

14:53:07 18 Q. So did you mention this issue about  
14:53:09 19 him, this e-mail exchange to him at that point  
14:53:13 20 in time?

14:53:14 21 A. Yes.

14:53:14 22 Q. And you also talked about,  
14:53:16 23 obviously, the day you didn't get paid, correct?

14:53:19 24 A. Yes. That and the manager and her  
14:53:22 25 screaming at me for no reason. Yes, there's a

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MIRIAM BAUZA

15:00:53 2

did you go to Judy?

15:00:54 3

A. I don't recall.

15:00:55 4

Q. Do you recall if it was days later

15:00:57 5

or weeks later?

15:00:58 6

A. Yes, days.

15:01:00 7

Q. And after Judy, do you recall how

15:01:02 8

soon you then spoke with Brian?

15:01:04 9

A. No.

15:01:05 10

Q. Was that days or weeks later?

15:01:07 11

A. I think it was one or two weeks

15:01:09 12

later.

15:01:10 13

Q. Was there a reason as to why you

15:01:13 14

waited to speak to Brian after speaking with

15:01:15 15

Judy?

15:01:16 16

A. No. I was just waiting for the

15:01:18 17

right moment because we had a busy payroll, so I

15:01:23 18

think I just take off and just go and talk to

15:01:26 19

Brian. So it had to do with when I really had

15:01:33 20

the time.

15:01:51 21

And I remember that I told Judy

15:01:53 22

when she -- she told me that I was abusing the

15:02:00 23

company time. And I told Judy, Judy, she

15:02:04 24

doesn't know me, she doesn't know how much I

15:02:07 25

work here.

1 MIRIAM BAUZA

15:02:08 2 Q. So you were telling Judy that  
15:02:10 3 Regina was accusing you of --

15:02:13 4 A. Abusing company time.

15:02:15 5 Q. What did Judy say in response?

15:02:17 6 A. That if I had a problem with that,  
15:02:19 7 to talk to Brian. That's what she said to me.

15:02:22 8 Q. So those are the issues that you  
15:02:23 9 ended up speaking with Brian about.

15:02:26 10 A. Yes. And she told me that also in  
15:02:29 11 front of Sharon D'Elia.

15:02:31 12 Q. Regina told you that?

15:02:33 13 A. Yes, because they share the same  
15:02:35 14 office.

15:02:36 15 Q. So Judy then -- she said to speak  
15:02:38 16 with Brian, and you did then go and speak with  
15:02:42 17 him, correct?

15:02:42 18 A. Correct.

15:02:43 19 Q. After that point in time, were  
15:02:46 20 there any further issues that you had with  
15:02:49 21 Regina?

15:02:50 22 A. Yes. She didn't change.

15:02:52 23 Q. When you say she didn't change,  
15:02:54 24 what is it that didn't change?

15:02:55 25 A. Her attitude was the same.

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MIRIAM BAUZA

15:18:28 2

A. No.

15:18:31 3

Q. Your guess, as you understood it,

15:18:33 4

you were to get two-thirds of that.

15:18:36 5

A. Okay.

15:18:37 6

Q. So what was your understanding as

15:18:38 7

to what your gross should have been for

15:18:41 8

disability payments?

15:18:45 9

A. You mean --

15:18:46 10

MR. BONNIST: Objection. Her

15:18:47 11

understanding today, her understanding then?

15:18:49 12

MR. RIOLO: No. She said she

15:18:51 13

understood that she was getting two-thirds.

15:18:53 14

Q. So what my question is what was

15:18:57 15

your understanding as to the amount of

15:18:59 16

disability payments that you should be receiving

15:19:01 17

based on what you had said, the two-thirds

15:19:03 18

disability?

15:19:04 19

A. Well, I knew it was going to be

15:19:05 20

less. And that's why my question was to the

15:19:09 21

insurance company, the people that sent me the

15:19:12 22

check, and that's why I called. Because I know

15:19:15 23

that the dates, the amount of days in the check,

15:19:21 24

to me it was wrong for the amount of money. And

15:19:23 25

that's why I called.

MIRIAM BAUZA

15:19:25 2 Q. That's why you called Aetna.

15:19:26 3 A. That's why I called Aetna.

15:19:28 4 Q. So it was clear to you from the  
15:19:30 5 time of that second check that there was  
15:19:32 6 something wrong with the payment.

15:19:33 7 A. Exactly. So that's why I called.

15:19:35 8 Q. And you had that conversation in  
15:19:37 9 which they said no, it wasn't.

15:19:38 10 A. When I called, I actually asked  
15:19:40 11 them again for the second time, and they  
15:19:43 12 reconfirmed to me that it was okay, I have no  
15:19:49 13 doubt in my mind that they were right,  
15:19:52 14 regardless.

15:19:53 15 Q. So you thought they were right.

15:19:54 16 A. I thought they were right.

15:19:56 17 Q. Even though you had an  
15:19:57 18 understanding that you were only supposed to  
15:20:00 19 receive two-thirds.

15:20:01 20 A. Yes. Because I -- yes. Yes.

15:20:04 21 Q. And after you came back you didn't  
15:20:05 22 discuss that with anybody at Mediacom as to this  
15:20:09 23 what you thought was a mixup from Aetna.

15:20:12 24 A. At this point I do made I think it  
15:20:16 25 was two phone calls to Joe Mickulski, left a



1 MIRIAM BAUZA

15:20:20 2 message for him to call me. And he never called  
15:20:22 3 me back.

15:20:24 4 Q. You didn't say what it was about.

15:20:26 5 A. I didn't say what it was about.  
15:20:27 6 But I left those two messages.

15:20:30 7 Q. And how soon after you spoke with  
15:20:32 8 Aetna did you leave those two messages?

15:20:34 9 A. I don't quite remember, but it was  
15:20:38 10 along the time that I was out.

15:20:40 11 Q. You made those telephone calls from  
15:20:42 12 home?

15:20:42 13 A. Yes.

15:20:44 14 Q. And the calls from Aetna, did you  
15:20:47 15 make those calls from home as well?

15:20:48 16 A. From home, too.

15:20:49 17 Q. What's your home telephone number?

15:20:50 18 A. My number is 845-561-1152. And if  
15:21:00 19 I'm not mistaken, the phone calls that I made to  
15:21:03 20 Joe Mickulski was directly to his extension.

15:21:07 21 Q. Do you know what that is?

15:21:08 22 A. I think the four last digits is  
15:21:11 23 2721, if I'm right.

15:21:18 24 MR. BONNIST: Do you have a cell  
15:21:20 25 phone that you would have called from?

1 MIRIAM BAUZA

15:22:23 2 gotten -- or you said it was first brought to  
15:22:28 3 your attention in a meeting with Judy, Regina  
15:22:31 4 and Joe as to the issue of overpayments.

15:22:35 5 A. Correct.

15:22:36 6 Q. How were you told to come to this  
15:22:39 7 meeting? By whom?

15:22:40 8 A. I was called by Judy to go to her  
15:22:43 9 office.

15:22:44 10 Q. And when you came in --

15:22:47 11 A. I found three of them in there,  
15:22:48 12 yes.

15:22:49 13 Q. Tell me as best you can recall who  
15:22:51 14 said what during that meeting.

15:22:53 15 A. First of all, I was surprised that  
15:22:55 16 I was called. And the first one to speak was  
15:23:00 17 Judy Mills.

15:23:03 18 Q. And what did Judy say when she  
15:23:06 19 first spoke?

15:23:06 20 A. She mentioned to me that I was  
15:23:10 21 overpaid by disability from Aetna.

15:23:15 22 Q. Did she say --

15:23:16 23 A. And then I said to her oh, I did  
15:23:19 24 call them and they told me that everything was  
15:23:22 25 correct.

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MIRIAM BAUZA

15:24:46 2 home I realized that I did put through I think  
15:24:53 3 it was two phone calls from my house.

15:24:55 4 Q. So during this meeting that you  
15:24:57 5 had, you didn't remember that you had left those  
15:24:59 6 two messages for Joe.

15:25:00 7 A. Exactly. I didn't remember at the  
15:25:03 8 time. So I didn't mention that I had called.  
15:25:09 9 And I just told him that I had forgot. And I  
15:25:13 10 did forgot when I came back just to mention it  
15:25:16 11 because I didn't think it was wrong. I just for  
15:25:18 12 whatever reason, I thought that they were  
15:25:20 13 correct because they assured me they were  
15:25:22 14 correct.

15:25:27 15 Q. After they had assured you it was  
15:25:29 16 correct, "they" being Aetna, you still attempted  
15:25:32 17 to call Joe.

15:25:33 18 A. Yes, I did.

15:25:35 19 Q. Why were you calling Joe if at that  
15:25:38 20 point you thought Aetna was right?

15:25:40 21 A. Because for whatever reason, I just  
15:25:42 22 wanted to mention it to him.

15:25:43 23 Q. And what was the reason you wanted  
15:25:45 24 to mention it to him?

15:25:46 25 A. I just felt that I wanted to

MIRIAM BAUZA

Aetna or Mediacom.

Q. You said you spoke with Angela --

A. I asked to speak to Judy alone.

Q. Is this after the

Angela/Julio/Terry conversations?

A. No, this was after I spoke to Joe Mickulski.

Q. So Joe Mickulski then asked to speak with Judy again.

A. And then from Judy I went to Paul.

Q. So what did you say to Judy and what did she say to you during this conversation?

A. I spoke to Judy and I said you know, I don't appreciate the way you spoke to me before. I just feel that you guys were accusing me. I would say her and Regina because Joe never opened his mouth. But I feel that -- this is what I said. I feel that you guys were accusing me of something that I would never do. And you know where I'm coming from, you know who I am. You know I will never do anything like that.

Well, you know, you cashed those

1 MIRIAM BAUZA

15:34:52 2 checks and you took them to the bank, or you  
15:34:55 3 cashed those checks. You knew what you was  
15:34:59 4 doing. Something to that effect. That's how I  
15:35:01 5 felt.

15:35:02 6 Q. Well, is that what she said?

15:35:04 7 A. Yes, that's what she said to me.

15:35:06 8 Q. Anything else that she said to you  
15:35:08 9 during that meeting?

15:35:10 10 A. I don't recall any more.

15:35:19 11 Q. Now, after that conversation with  
15:35:21 12 Judy, the next person you spoke with at Mediacom  
15:35:28 13 was Paul. Correct?

15:35:30 14 A. Right.

15:35:30 15 Q. After Paul, the next person you  
15:35:32 16 spoke to at Mediacom or Aetna was Angela.

15:35:35 17 A. No. Before that, before I spoke to  
15:35:37 18 Angela I spoke to Regina.

15:35:39 19 Q. Did you speak to Regina before  
15:35:42 20 Paul?

15:35:42 21 A. Regina came to me and asked me if I  
15:35:45 22 had looked for the name of the person that I  
15:35:50 23 spoke to from Aetna.

15:35:51 24 Q. Back in July.

15:35:52 25 A. Yes. And I said you know, Regina,

1 MIRIAM BAUZA

15:42:54 2 A. I just told her that it was nice  
15:42:57 3 working with her.

15:42:58 4 Q. Did you ever learn as to whose  
15:43:00 5 decision it was to terminate you?

15:43:02 6 A. No. But I have to say something  
15:43:14 7 that when I was terminated at that moment, I  
15:43:19 8 remember Mark Stephan conversation once when I  
15:43:26 9 just got in to work in the office. I think it  
15:43:31 10 was four weeks or five weeks later. He was in  
15:43:35 11 the cafeteria where is the corporate office.  
15:43:43 12 And he was talking to someone saying that the  
15:43:47 13 big boss is not comfortable to pay medical bills  
15:43:54 14 for someone just coming aboard than for someone  
15:44:00 15 that has been there five years with five years  
15:44:07 16 of service.

15:44:10 17 At that point I got up because I  
15:44:13 18 wanted to see who was the person that was  
15:44:15 19 talking about that. And when I got up and went  
15:44:20 20 around to the cafeteria, it was Mark Stephan. I  
15:44:28 21 had met him -- that was one of the first people  
15:44:31 22 that I met when I went for the interview, so  
15:44:34 23 that's why I knew his name. The other person, I  
15:44:36 24 didn't know who he was.

15:44:37 25 Q. Did you ever learn who it was?

1

MIRIAM BAUZA

15:44:39 2

A. I didn't see from the face, but he

15:44:42 3

was talking to somebody else.

15:44:44 4

Q. When did you overhear this

15:44:47 5

conversation?

15:44:47 6

A. About five years later when I went

15:44:52 7

into work. Into Mediacom.

15:44:55 8

Q. Five weeks after you just started?

15:44:57 9

A. Yes.

15:44:58 10

Q. So this was prior to your

15:45:00 11

diagnosis.

15:45:00 12

A. Prior to my diagnosis.

15:45:02 13

Q. So that conversation, did you know

15:45:04 14

who it was referencing?

15:45:05 15

A. No. Then Joe Mickulski, two times

15:45:12 16

before I was diagnosed, he made the same comment

15:45:18 17

to me. The same exact comment.

15:45:20 18

Q. What comment did he make?

15:45:22 19

A. About when a new person is just

15:45:24 20

aboard, the big boss is not comfortable paying

15:45:28 21

medical bills for somebody that just come aboard

15:45:34 22

than for somebody that has been there five years

15:45:37 23

of service.

15:45:38 24

Q. How did that come up with Joe

15:45:39 25

during those two conversations with you?

1

MIRIAM BAUZA

15:45:41 2 A. It just come up -- I don't know why  
15:45:44 3 but it just come up, and about two times I  
15:45:51 4 overheard him saying the same thing to some  
15:45:54 5 other people. They were either on the phone --  
15:45:58 6 I couldn't tell if it was over the phone or the  
15:46:01 7 person was right next to him. Somebody from  
15:46:04 8 corporate. Because his office was in a corner.  
15:46:09 9 They have partition, they don't have offices.  
15:46:12 10 So I was in a position where I always overheard  
15:46:15 11 all his conversations. I would overheard  
15:46:19 12 anybody talking over the cafeteria.

15:46:22 13 And when that happens to me that  
15:46:24 14 they terminated me, I felt they terminated me  
15:46:27 15 not for the reason why the checks. It was for  
15:46:30 16 my illness, for my medical expenses.

15:46:36 17 Q. And you feel that because of the  
15:46:38 18 conversations that you overheard?

15:46:39 19 A. Yes.

15:46:41 20 Q. Is there any other reasons as to  
15:46:44 21 why you feel it was over your cancer and your  
15:46:48 22 medical bills other than recalling those  
15:46:51 23 conversations you overheard with Joe and Mark?

15:46:53 24 A. Because after I came back from my  
15:46:57 25 disability, it was a big change the way



1

MIRIAM BAUZA

15:47:01 2 everybody was treating me. Especially Judy  
15:47:05 3 Mills.

15:47:06 4 Q. Well, in what way differently did  
15:47:08 5 Judy treat you?

15:47:09 6 A. They were different. Even Italia  
15:47:12 7 was different. Everyone was different. Even  
15:47:16 8 Paul Miller was different. Everyone were  
15:47:18 9 different.

15:47:19 10 Q. In what way?

15:47:19 11 A. The way they were treating me.  
15:47:21 12 They didn't ask me how I felt, how I was doing.  
15:47:24 13 They didn't have that anymore.

15:47:26 14 Q. Other than not asking you how you  
15:47:29 15 felt, how else were you treated?

15:47:31 16 A. Oh, another thing -- I have to go  
15:47:34 17 back to that question that you asked me. When I  
15:47:36 18 was in Judy Mills' room, when she spoke to me  
15:47:41 19 about the checks she also -- I said Judy, you  
15:47:46 20 don't know what I've been going through with my  
15:47:48 21 chemo. In that stage I don't know how I even  
15:47:56 22 recognized that I was overpaid. I don't even  
15:47:59 23 know how I recognize that I have that  
15:48:03 24 overpayment. My state of mind, it was so bad.  
15:48:05 25 She said come on now, I don't want to hear it.

1

MIRIAM BAUZA

15:48:10 2

Q. During what meeting is this

15:48:12 3

conversation?

15:48:13 4

A. This is the meeting that I had with

15:48:15 5

her when Joe Mickulski was there and Regina was

15:48:22 6

there. I don't want to hear it.

15:48:32 7

I had diagnosis the second time in

15:48:37 8

my life cancer. I had my second full

15:48:46 9

mastectomy. I struggled to get up in the

15:48:51 10

morning and look in the mirror how I looked.

15:48:53 11

Losing my hair, dealing with all the side

15:48:59 12

effects, diarrhea, vomiting, constipation. Many

15:49:05 13

times when I was in the office, I had to run to

15:49:09 14

the bathroom, to the last one because I didn't

15:49:11 15

want anybody to know that I was so sick. But I

15:49:13 16

was there. I was a trooper, fulfilling my

15:49:18 17

complete job. And she don't want to hear it.

15:49:29 18

Q. Anything else that you can recall

15:49:30 19

in terms of reasons -- conversations that you

15:49:34 20

had with people in terms of them expressing

15:49:37 21

either issues or problems with you taking time

15:49:39 22

or your treatments?

15:49:47 23

A. Not that I recall right now.

24

(Defendant's Exhibit T for

15:50:29 25

identification, November 15th, 2006 Letter.)

1

MIRIAM BAUZA

15:49:50 2

Q. I'm going to show you what we

15:49:51 3

marked as Defendant's Exhibit T and ask you if

15:50:08 4

you recognize that.

15:50:09 5

A. Yes.

15:50:09 6

Q. And this is a letter that you

15:50:11 7

received from Aetna, correct?

15:50:12 8

A. That's correct.

15:50:14 9

Q. And this is kind of going over the

15:50:16 10

overpayments.

15:50:17 11

A. Yes.

15:50:19 12

Q. And the amounts there, did you have

15:50:21 13

any issue in terms of your review of the amounts

15:50:25 14

of the overpayments?

15:50:26 15

A. No, I just paid it. I just paid

15:50:28 16

it.

15:50:37 17

Q. Did you do any calculations to see

15:50:39 18

if this was right or not?

15:50:41 19

A. No, I didn't make any calculations.

15:50:44 20

Q. Since the time of this lawsuit

15:50:46 21

starting, have you looked at this to see if the

15:50:49 22

calculations were right or wrong?

15:50:51 23

A. No.

15:50:51 24

Q. And that amount you did pay,

15:50:53 25

correct?

1 MIRIAM BAUZA

16:05:07 2 to work there and it happened to be we went to  
16:05:14 3 the Christmas party that first year that I got  
16:05:17 4 in, I noticed that she is the wife of one of the  
16:05:22 5 people I used to travel with on the train. And  
16:05:26 6 when I saw them together at the party, I  
16:05:28 7 realized that they were husband and wife. And I  
16:05:35 8 become very close to her. I just wanted to make  
16:05:42 9 sure that I had these points to let her know.

16:05:45 10 Q. Other than showing it to her, did  
16:05:47 11 you show it to anybody else?

16:05:49 12 A. No.

16:05:49 13 Q. Was this document just created for  
16:05:55 14 your own --

16:05:56 15 A. For my own -- yes, for my own  
16:05:58 16 personal recollection.

16:06:01 17 Q. Okay. You said before we broke  
16:06:19 18 that certain people had changed in terms of  
16:06:22 19 after your return.

16:06:27 20 A. Yes, that's correct.

16:06:29 21 Q. After your return did you have  
16:06:30 22 conversations with Judy Mills about the  
16:06:31 23 treatment you were receiving or any problems  
16:06:34 24 that you were having with respect to your  
16:06:36 25 treatments?

1

MIRIAM BAUZA

16:06:37 2 A. Well, I did come to her and I will  
16:06:40 3 mention to her that I was having certain  
16:06:45 4 discomfort after I come from chemo. But that  
16:06:49 5 was it.

16:06:49 6 Q. What was her response during that?

16:06:51 7 A. Nothing. Just take it easy and  
16:06:56 8 things like that. But I was there late. Nobody  
16:06:58 9 said to me go home, it's time to leave to go,  
16:07:01 10 don't stay late.

16:07:02 11 Q. How was her demeanor when you had  
16:07:04 12 those conversations with you?

16:07:05 13 A. Say that again.

16:07:06 14 Q. How was her demeanor? How was the  
16:07:10 15 way she spoke, her tone during the meetings when  
16:07:12 16 you would discuss your treatment?

16:07:14 17 A. She was short. It was not like  
16:07:16 18 before, you have something to say to me, sit  
16:07:18 19 down. Even when I went and spoke to her about  
16:07:21 20 Regina attacking me and all that, she just told  
16:07:24 21 me speak to Brian about it.

16:07:26 22 Q. And you also mentioned in terms of  
16:07:28 23 Italia her --

16:07:30 24 A. Even Italia, before I left she was  
16:07:33 25 concerned, she would come to me; Miriam,

MIRIAM BAUZA

16:07:35 2 everything is going to be all right.

16:07:45 3 Apparently -- I felt that she was close to me.

16:07:49 4 But when I came back, she was very different.

16:07:52 5 Q. When you say she was different, how  
16:07:54 6 was she different?

16:07:55 7 A. She never approached me and talked  
16:07:57 8 to me and tell me how I was feeling. Nothing.

16:07:59 9 Q. Did you ever approach her and tell  
16:08:01 10 her how you were feeling after you had come  
16:08:04 11 back?

16:08:04 12 A. No. Because I felt for whatever  
16:08:06 13 reason, she was different.

16:08:09 14 Q. Well, other than not speaking to  
16:08:12 15 you, is there anything that she said or did that  
16:08:15 16 you felt she was treating you differently after  
16:08:18 17 from before?

16:08:19 18 A. Well, she would go into the  
16:08:20 19 lunchroom, if I was there she would completely  
16:08:23 20 ignore me. She don't say anything like before.  
16:08:26 21 She was more friendly to me. She was very  
16:08:29 22 different.

16:08:29 23 Q. Other than Judy and Italia, was  
16:08:32 24 there anybody else who you thought was different  
16:08:34 25 from before to after you returned?

MIRIAM BAUZA

16:08:38 2 A. Besides who you mean?

16:08:41 3 Q. Besides Judy who you mentioned and  
16:08:43 4 Italia, is there anybody else that was different  
16:08:46 5 to you after your return?

16:08:48 6 A. Paul.

16:08:49 7 Q. How was it that Paul was different?

16:08:51 8 A. He was very indifferent. In the  
16:08:54 9 morning he would say hi Miriam, how are you  
16:08:59 10 doing. Not anymore. He would not say good  
16:09:03 11 night or nothing.

16:09:03 12 Q. He wouldn't talk to you?

16:09:04 13 A. No.

16:09:05 14 Q. Anyone else who you felt was  
16:09:06 15 different to you after your return?

16:09:11 16 A. That's about it.

16:09:12 17 Q. I don't have anything further.

18 (Continued on the following page to  
19 include jurat.)  
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